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AN ACT

J. W. Eldridge


TO INCORPORATE

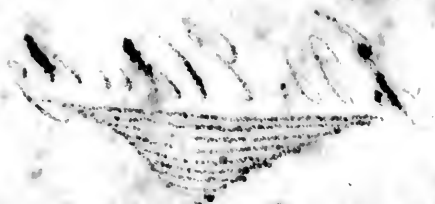
THE CITY OF CHICAGO.

PASSED MARCH 4, 1837.

Chicago:

PRINTED AT THE OFFICE OF THE CHICAGO DEMOCRAT.

1837.



AN ACT TO INCORPORATE THE CITY OF CHICAGO.

SECT. 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly,* That the district of country in the county of Cook in the State aforesaid, known as the east half of the south east quarter of section thirty-three, in township forty, and fractional section thirty-four in the same township, the east fourth part of sections six, seven, eighteen and nineteen, in the same township, also fractional section three, section four, section five, section eight, section nine, and fractional section ten, excepting the south west fractional quarter of section ten, occupied as a military post, until the same shall become private property, fractional section fifteen, section sixteen, section seventeen, section twenty, section twenty-one, and fractional section twenty-two, in township thirty nine north range number fourteen east of the third principal meridian, in the State aforesaid, shall hereafter be known by the name of the City of Chicago.

SECT. 2. The inhabitants of said City, shall be a corporation by the name of the City of Chicago. and may sue and be sued, complain and defend in any court, make and use a common seal, and alter it at pleasure, and take, hold, purchase and convey such real and personal estate, as the purposes of the corporation may require.

SECT. 3. The said City shall be divided into six wards, as follows: All that part of the city which lies south of Chicago river and east of the centre of Clark street, following the centre of Clark street to the south line of section sixteen, thence following the said south line of section sixteen, to the centre of State street, and a line parallel with the centre of said street, to the southern boundary of said city, shall be denominated the first ward of said city. All that part of said city which lies south of said Chicago river, west of the first ward, and east of the south branch of said Chicago river, shall be denominated the second ward of said city: all that part of the said city, lying west of the aforesaid south branch of the Chicago river, and south of the centre of Randolph street, and by a line parallel with the centre of said Randolph street, to the western boundary of said city, shall be denominated the third ward; all that part of said city which lies north of the said third ward, and west of the said Chicago river, and the north and south branches thereof, shall be denominated the fourth ward of said city; all that part of said city which lies north of the Chicago river, and east of the north branch thereof, and west of the centre of Clark street, to the centre of Chicago Avenue, and lying south of the centre of Chicago Avenue, to the centre of Franklin street, and lying west of Franklin street, and a line parallel with the centre thereof, to the northern boundary of said city, shall be denominated the fifth ward, all that part of said city lying north of the Chicago riv-

er, and east of the said fifth ward, shall be denominated the sixth ward of said city.

Mayor or Aldermen, &c.

SEC. 4. There shall be in and for said city, except as herein afterwards provided, one Mayor, twelve Aldermen, one Clerk, one Treasurer, six Assessors, one or more Collectors, and such other officers as are herein-after authorized to be appointed, which said Mayor, Aldermen and Assessors, shall be free holders in the said city.

Election.

SECT. 5. An election shall be held in each of the wards of said city, on the first Tuesday in March in each year, after the year eighteen hundred and thirty seven, at such place as the common council of said city may appoint, and of which six days previous public notice shall be given in writing, in three public places in each ward by the inspectors thereof.

First election.

SECT. 6. At the first election under this act, and at each annual election thereafter, there shall be elected two Aldermen and one Assessor from each ward, each of whom shall be an actual resident of the ward in which he was elected, *Provided however*, That the aforesaid wards, denominated the third and fifth wards, shall be entitled to elect but one Alderman from each ward, until the annual election for the year anno domini 1839.

Inspectors of elections.

SECT. 7. The common council shall appoint three inspectors of elections for each ward, who shall be inspectors of elections after the first. Such inspectors shall have the same power and authority as the inspectors of a general State election.

And how held.

SECT. 8. The manner of conducting and voting at the elections to be held under this act, and the keeping of the poll lists thereof, shall be the same as nearly as may be, as is provided by law, at the general State election, *Provided*, That the common council may hereafter if expedient, change the mode of election to that by ballot, and prescribe the manner of conducting the same.

Who may vote.

SECT. 9. Every person voting at such election, shall be an actual resident of the ward in which he is to vote, shall be a house holder within the city, or shall have paid a city tax of not less than three dollars, within twelve months next preceding such election, and shall have resided in said city at least six months next preceding such election, and shall moreover if required by any person qualified to vote thereat, before he is permitted to vote, take the following oath: "You swear or affirm that you are of the age of twenty-one years, that you have been a resident of this city for six months immediately preceding this election, that you are a house holder therein, or that you have paid a city tax of not less than three dollars within twelve months next preceding this election, and that you are now a resident of this ward, and have not voted at this election."

Oath.

Voters not to be arrested.

SECT. 10. The persons entitled to vote at any election held under this act, shall not be arrested on civil process within said city on the day on which said election is held.

Inspectors of first election, how appointed.

SECT. 11. The trustees of the town of Chicago for the time being, shall appoint the inspectors of the first election to be held under this act. Such election shall be held and conducted, and the votes thereat canvassed by said inspectors, and the result determined in the manner hereinbefore provided: the said trustees shall also appoint the time and place of holding such first election, which time shall be some day after the passage of this act, and on or before the first day of June next.

How vacancies filled.

SECT. 12. Vacancies in the offices of Mayor and Alderman occurring in any manner, may be filled at a special election called and appointed by the common council, and conducted in the same manner as an annual election; vacancies in all other offices shall be filled by appointment by the common council: all appointments to fill a vacancy in an elective office under this act, and all appointments of clerk, Treasurer, Attorney for the city, police constables, collectors, street commissioners and city surveyors, shall be by warrant under the corporate seal, signed by the Mayor as presiding officer of the common council, and clerk. In case of

What officers to be appointed.

a failure to elect Aldermen at an annual election, or if from any cause there shall be no Aldermen, the clerk shall appoint the time and places for holding a special election, and appoint inspectors: all officers appointed or elected annually, and except to fill a vacancy, shall hold their respective offices for one year, and until others are chosen, and have taken the oath of office.

Council to appoint constables.

SECT. 13. The common council shall appoint as many police constables as they shall think proper, not exceeding one in each ward, who shall not have power to serve any civil process out of the limits of said city, except in cases of persons fleeing from said city, and to commit on execution where the defendant shall have been arrested in the said city.

Mayor, how chosen.

SECT. 14. The Mayor for the said city, shall be chosen by the qualified electors of the said city, at the same time and in the same manner as is prescribed for the choosing of Aldermen, whose term of service shall be for one year, until his successor shall be chosen and qualified. At the time of voting for Aldermen, the electors of said city shall also vote in their respective wards, for some qualified person as Mayor of said city, which votes shall be canvassed and certified at the same time, and in the same manner as those given for Aldermen, and the person having the highest number of votes given in the several wards at such election shall be Mayor.

Term of service.

Common council.

SECT. 15. The Mayor and Aldermen of the said city shall constitute the common council of said city. The common council shall meet at such times and places as they shall by resolution direct, or as the Mayor or in his absence any two of the Aldermen, shall appoint. The Mayor when present, shall preside at all meetings of the common council, and shall have only a casting vote. In his absence, any one of the Aldermen, may be appointed to preside: a majority of the persons elected as Aldermen, shall constitute a quorum. No member of a common council shall, during the period for which he was elected, be appointed to, or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract, the expenses or consideration whereof are to be paid under any ordinance of the common council. But this section shall not be construed to prevent the Mayor from receiving his salary or any other fees permitted by this act.

When to meet.

SECT. 16. The common council shall meet annually, after the year 1837, on the second Tuesday in March, and in 1837, on the day following the election, and, by ballot, appoint a clerk, treasurer, city attorney, street commissioner, police constables, clerk of the market, one or more collectors, one or more city surveyors, one or more pound masters, porters, carriers, cartmen, packers, beadles, bellmen, sextons, common criers, scavengers, measurers, surveyors, weighers, sealer of weights and measures, and gaugers. If for any cause the officers above named are not appointed on the second Tuesday of March, on the day after the election in the year eighteen hundred and thirty-seven, the common council may adjourn from time to time until such appointments are made.

Refusing to accept office.

SECT. 17. If any inhabitant of said city, elected or appointed to any office in pursuance of this act, shall refuse or neglect to accept such office, and take and subscribe the oath of office prescribed by the constitution of this state, for five days after personal notice in writing, from the clerk, of his election, he shall forfeit the sum of ten dollars.

Officer to take oath.

SECT. 18. Every person chosen or appointed to an executive, judicial or administrative office, under this act, shall, before he enters on the duties of his office, take and subscribe, before some Justice of the Peace, the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the clerk of the city.

Bonds to be given.

SECT. 19. The treasurer, street commissioner, and collector or collec-

tors of said city, shall, severally, before they enter on the duties of their respective offices, execute a bond to the city of Chicago, in such sum, and with such sureties as the common council shall approve; conditioned that they shall faithfully execute the duties of their offices, and account for, and pay over all moneys received by them respectively; which bonds, with the approval of the common council certified thereon by the clerk, shall be filed with the clerk of the city.

Constable to give bond.

SECT. 20. Every person appointed to the office of constable, in said city, shall, before he enters upon the duties of his office, with two or more sureties, to be approved by the common council, execute in presence of the clerk of the city, an instrument in writing, by which such constable and sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto all such sums of money as the said constable may become liable to pay, by reason or on account of any summons, execution, distress warrant or other process which shall be delivered to him for collection. The clerk of the city shall certify the approval of the common council on such instrument, and file the same; and a copy of such instrument, certified by the clerk under the corporate seal, shall be presumptive evidence in all courts, of the execution thereof by such constable and his sureties; and all actions on any such instrument shall be prosecuted within two years after the expiration of the year for which the constable named therein shall have been elected or appointed, and may be brought in the name of the person or persons entitled to the money collected by virtue of such instruments.

Duty of clerk.

Duty of treasurer.

SECT. 21. The treasurer shall receive all monies belonging to the city, and keep an accurate account of all receipts and expenditures, in such manner as the common council shall direct; all monies shall be drawn from the treasury in pursuance of an order from the common council by warrant signed by the mayor or presiding officer of the common council, and countersigned by the clerk: such warrant shall specify for what purpose the amount specified therein, is to be paid; and the clerk shall keep an accurate account of all orders drawn on the treasury, in a book to be provided for that purpose. The treasurer shall exhibit to the common council, at least fifteen days before the annual election in each year, a full and detailed account of all receipts and expenditures, after the date of the last annual report, and also of the state of the treasury, which account shall be filed in the office of the clerk.

Council to publish a report of expenditures, ect.

SECT. 22. It shall be the duty of the common council, at least ten days before the annual election held under this act in each year, to cause to be published in two or more of the public newspapers in said city, a full and correct statement of the receipts and expenditures by the said common council, for the contingent expenses of the said city from the date of the last annual report, published in pursuance of this section to the date of said reports, and also a distinct statement of the whole amount of money assessed, received and expended in the respective wards for making and repairing roads, highways and bridges, in said city for the same period, together with such other information in their power to furnish, as may be necessary to a full understanding of the financial concerns of the said city.

Clerk to keep seal and record.

SECT. 23. The clerk shall keep the corporate Seal, and all the papers belonging to said city, and make a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council certified by him under the corporate Seal, shall be evidence in all courts in like manner as if the original were produced.

Duty of street commissioner.

SECT. 24. It shall be the duty of the street commissioner to superintend the making of all public improvements ordered by the common council, and to make contracts for the work and materials which may be necessary for the same, and shall be the executive officer to carry in-

to effect the ordinances of the common council relative thereto, and shall keep accurate accounts of all monies expended by him in performance of any work, together with the cause of such expenditures, and to render such account to the common council, monthly.

Duty of city surveyor. SECT. 25. That the city surveyor or surveyors, appointed by the said common council, shall have the sole power, under the direction and control of the said common council, to survey within the limits of said city; and he and they shall be governed by such rules and ordinances as the said common council shall direct, and receive such fees and emoluments for his or their services, as the common council shall appoint.

Salary of mayor, etc. SECT. 26. The mayor of said city, for the time being, shall be allowed an annual salary of five hundred dollars, payable out of the treasury, and the other officers of said corporation shall be paid out of the treasury such compensation for their services, when the same are not herein provided for, as the said common council may deem adequate and reasonable.

Officer to deliver to successor papers, etc. SECT. 27. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all the property, papers and effects of every description in his possession belonging to the said city, or appertaining to the office he held, he shall forfeit and pay for the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver.

Meetings, when, and how held. SECT. 28. The common council shall hold stated meetings, and the mayor or any two aldermen, may call special meetings by notice to each of the members of said council, served personally, or left at his usual place of abode. Petitions and remonstrances may be presented to the common council. The common council shall have the management and control of the finances, and of all the property real and personal, belonging to the corporation, and shall have power within said city, to make and establish, publish, alter, modify, amend and repeal ordinances, regulations, rules, and bye laws, for the following purposes:

1st. To prevent all obstructions in the waters which are public highways in said city.

2d. To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices in said city, and all playing of dice, cards and other games of chance with, or without betting, in any grocery, shop or store.

4th. To regulate the selling or giving away any ardent spirits, by any storekeeper, trader or grocer, to be drunk in any shop, store or grocery, outhouse, yard, garden or other place within the city, except by innkeepers duly licensed.

5th. To forbid the selling or giving away of ardent spirits, or other intoxicating liquors, to any child, apprentice, or servant, without the consent of his or her parent, guardian, master or mistress, or to any Indian.

6th. To regulate, license, or prohibit the exhibition of common shewmen, and of shows of every kind, or the exhibition of any natural or artificial curiosities, caravans, circuses or theatrical performances.

7th. To prevent any riot or noise, disturbance, or disorderly assemblage.

8th. To suppress and restrain disorderly houses and groceries, houses of ill fame, billiard tables, nine or ten pin allies or tables, and ball allies, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming.

9th. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city.

10. To direct the location and management of all slaughter houses, markets, and houses for storing powder.

11. To regulate the keeping and conveying of gunpowder and other combustibles and dangerous materials, and the use of candles and lights in barns and stables.

12. To prevent horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving as aforesaid, to be stopped by any person.

13. To prevent the encumbering the streets, side walks, lanes, alleys, public wharves and docks, with carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timbers, firewood, or any other substance or material whatsoever.

14. To regulate and determine the times and places of bathing and swimming in the canals, rivers, harbors and other waters, in and adjoining said city.

15. To restrain and punish vagrants, mendicants, street beggars, and common prostitutes.

16. To restrain and regulate the running at large of cattle, horses, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and costs of proceeding.

17. To prevent the running at large of dogs, and to authorize the destruction of the same when at large, contrary to the ordinance.

18. To prevent any person from bringing, depositing, or having within the limits of said city, any dead carcass or any other unwholesome substance, and to require the removal or destruction by any person who shall have upon or near his premises any such substance, or any putrid or unsound beef, pork, or fish, hides or skins of any kind, and on his default, to authorize the removal or destruction thereof by some officer of said city.

19. To prevent the rolling of hoops, playing at ball or flying of kites or any other amusement or practice having a tendency to annoy persons passing in the streets and on the side walks in said city, or to frighten teams and horses within the same.

20. To compel all persons to keep the snow, and ice, and dirt from the side walks in front of the premises owned or occupied by them.

21. To prevent the ringing of bells, blowing of horns and bugles, crying of goods and other things within the limits of said city.

22. To abate and remove nuisances.

23. To regulate and restrain runners for boats and stages.

24. To survey the boundaries of said city.

25. To regulate the burial of the dead.

26. To direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others, for any default in the premises.

27. To regulate gageing, the place and manner of selling and weighing hay, of selling pickled and other fish, and of selling and measuring of wood, lime and coal, and to appoint suitable persons to superintend and conduct the same.

28. To appoint watchmen, and prescribe their duties and powers.

29. To regulate cartmen and cartage.

30. To regulate the police of said city.

31. To establish, make and regulate public pumps, wells, cisterns, and reservoirs, and to prevent the unnecessary waste of water.

32. To establish and regulate public pounds.

33. To erect lamps and regulate the lighting thereof.

34. To regulate and license ferries. The said common council shall have the power to prohibit the use of locomotive engines on any rail road within the inhabited parts of said city, and may require the cars to be used thereon within the inhabited portions thereof, to be drawn or

may erect and establish a bridewell, or house of correction in the said city, and may pass all necessary ordinances for the regulation thereof; may appoint a keeper and as many assistants as may be necessary, and shall prescribe their duties and compensation, and the securities to be given by them. In the said bridewell or house of correction, shall be confined all rogues, vagabonds, stragglers, idle or disorderly persons who may be committed thereto by the mayor or any alderman in said city; and all persons sentenced by any criminal court in and for said city, for any assault and battery, petit larceny, or other misdemeanor punishable by imprisonment in any county jail, shall be kept therein in the same manner as prisoners of that description are required to be kept in the county jails.—The common council may, by ordinances, require every merchant, retailer, trader and dealer in merchandize or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection, and may impose penalties for any violation of any such ordinances; the standard of which weights and measures shall be agreeable to those now established by law.

SECT. 29. The common council shall have power, from time to time, to prescribe the duties of all officers and persons appointed by them to any office or place whatsoever, subject to the provisions of this act, and may remove all such persons or officers at pleasure. Council to prescribe duties of officers.

SECT. 30. The common council may make, publish, ordain, amend and repeal, all such ordinances, bye-laws, and police regulations, not contrary to the laws of this state, for the good government and order of said city, and the trade and commerce thereof, as may be necessary to carry into effect the powers given to said council by this act, and enforce observance of all rules, ordinances, bye-laws and police regulations made in pursuance of this act, by imposing penalties upon any person violating the same, not exceeding one hundred dollars for any offence, to be recovered with costs, in an action of debt before the Mayor or any Justice of the Peace of the said city, every such ordinance or bye-law, imposing any penalty or forfeiture for a violation of its provisions, shall after the passage thereof, be published for three weeks successively, in the corporation newspaper printed and published in said city; and proof of such publication by the affidavit of the printer or publisher of said newspaper, taken before any officer authorized to administer oaths, and filed with the clerk of the city, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance or bye-laws in all courts and places. Further power.

SECT. 31. The common council at their annual meeting on the second Tuesday in March, in each year, after eighteen hundred and thirty-seven, and at their first meeting in that year, or within ten days thereafter, shall designate one public newspaper printed in said city, in which shall be published all ordinances and other proceedings and matters required in any case by this act, or the bye-laws and ordinances of the common council, to be published in a public newspaper. At annual meeting to designate what paper ordinances to be published.

SECT. 32. All actions brought to recover any penalty of forfeiture incurred under this act, or the ordinances, by laws or police regulations made in pursuance of it, shall be brought in the corporate name; and in any such action it shall be lawful to declare generally in debt for such penalty or forfeiture, stating the section of this act, or the bye-laws or ordinances under which the penalty is claimed, and to give the special matter in evidence under it. The first process in any such action shall be by warrant, and execution may be issued thereon immediately on the rendition of judgment. If the defendant in any such action have no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in close custody in the jail of Cook county for a term not exceeding thirty Actions, how brought.

days. All expenses incurred in prosecuting for the recovery of any penalty or forfeitures when collected shall be paid to the treasurer for the use of the city.

Who competent witnesses, judge or jurors.

SECT. 33. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or free holder in the city of Chicago, in any action or proceeding in which the said city is a party in interest.

Council may correct assessments and fix rate.

SECT. 34. The common council of said city shall have power to revise, alter and correct the several assessment rolls of the different assessors of said city and to prescribe the rate of assessment, the form of the assessment roll, and to make such rules in relation thereto as they may deem expedient and proper.

May tax property.

SECT. 35. The common council shall have power in each year to raise a sufficient sum by tax upon real or personal estate in said city, not exceeding the one half of one per centum upon the assessed value thereof, to defray the expenses of lighting the streets, supporting a night watch, and making and repairing streets, roads, highways and bridges in the said city and to defray the contingent and other expenses of said city; *Provided*, that the said common council shall in no case levy a tax upon lots or land owned by the State, nor any tax for making and repairing streets, roads and highways, contrary to the subsequent provisions of this act.

Proviso.

Labor of citizens on streets.

SECT. 36. The said common council are hereby authorized to require every male resident of the city over the age of twenty one years, to labor at least three days in each and every year upon the streets and alleys of said city, at such time and in such manner as the street commissioner shall direct, but any person may at his option pay at the rate of one dollar for every day he shall be so bound to labor, and such labor or payment shall be in lieu of all labor required to be performed upon any roads, streets or alleys by any law of this State; and in default of the payment of such money, or the performance of such labor, the said common council may sue for and collect such money before the mayor or any justice of the peace.

Exclusive power of the council in regard to streets and alleys.

SECT. 37. The said common council shall have the exclusive power to regulate, repair, amend and clear the streets and alleys of said city; bridges, side and cross walks, and of opening said streets, and putting drains and sewers therein, and to prevent the encumbering of the same in any manner, and to protect the same from encroachments and injury; they shall also have power to direct and regulate the planting and preserving of ornamental trees, in the streets of said city.

SECT. 38. The common council shall have power to lay out, make and assess streets, alleys, lanes and highways in said city, and make wharves and slips at the end of streets, on property belonging to said city, and to alter, widen, contract, straighten and discontinue the same, but no building exceeding the value of one thousand five hundred dollars shall be removed, in whole or in part, without the consent of the owner. They shall cause all streets, alleys, lanes or highways, laid out by them to be surveyed, described and recorded in a book to be kept by the clerk, and the same when opened and made shall be public highways. Whenever any street, alley, lane, highway, wharf or slip is laid out, altered, widened or straightened by virtue of this section, the common council shall give notice of their intention to appropriate and take the land necessary for the same to the owner or owners thereof by publishing said notice for fourteen days in the corporation newspaper printed in said city, and after the expiration of the said fourteen days the common council shall give notice to the said owner or owners by publishing the same for thirty days in the corporation newspaper, that such owner or owners may file a notice with the clerk of the city of a claim for damages, on account of appropriating the land of such owner or owners for the uses specified in this section; and if such owner or owners shall within said thirty days file or cause to be filed such notice of a claim for dama-

Damages.

ges as aforesaid, with the clerk of the city, the common council shall choose by ballot five discreet and disinterested freeholders, residing in said city, as commissioners to ascertain and assess the damages and recompense due the owner or owners of such land, and at the same time to determine what persons will be benefited by such improvement, and to assess the damages and expense thereof, on the real estate of the persons benefited, in proportion, as nearly as may be, to the benefits resulting to each. A majority of all the aldermen authorized by law to be elected, shall be necessary to constitute a choice of such commissioners. The commissioners shall be sworn by the mayor or any justice of the peace in said city, faithfully and impartially to execute their duty in making such assessment, according to the best of their ability. The commissioners shall view the premises, and in their discretion receive any legal evidence, and may if necessary adjourn from day to day.—The commissioners shall before they enter upon the duties assigned them by this section, give notice to the persons interested of the time and place of the meeting of the said commissioners for the purpose of viewing the premises and of making such assessment, at least five days before the time of such meeting, by publishing such notice in the corporation newspaper printed in said city. The said commissioners shall determine and award to the owner and owners of said land such damages as they shall judge such owner or owners to sustain in consequence of such street, lane, alley, highway, wharf or slip having been laid out, altered, widened or straightened, after taking into consideration and making due allowance for any benefit which said owner or owners may derive from such improvement. The said commissioners shall at the same time assess and apportion the said damages and expenses of said improvement on the real estate benefitted thereby, as nearly as may be, in proportion to the benefit resulting therefrom, and shall describe the real estate upon which any such assessment is made. If there be any building on any land taken for such improvement, the owner thereof shall have ten days, or such time as the common council may allow after the final assessment of the commissioners is returned to and confirmed by the common council, to remove the same, and in case such owner removes such building, the value thereof to the owner to remove shall be deducted from the amount of the damages awarded to the owner thereof, and such value shall be at the time of the assessment determined by the commissioners. The determination and assessment of the commissioners shall be returned in writing, signed by all the commissioners to the common council, within thirty days after their appointment of said common council as aforesaid; the common council may, if sufficient objections are made to the appointments of any of said commissioners, or if any such commissioners shall be unable to serve, by sickness or any other cause, appoint other commissioners to serve in their places, in the manner as herein provided. And the said common council, after the determination and assessment of the commissioners as aforesaid is returned to them, shall give two weeks notice in the corporation newspaper, printed in said city, that such determination and assessment of the commissioners will, on a day to be specified in said notice, be confirmed by the common council, unless objections to such determination and assessment aforesaid, are made by some person interested; all objections to such determination and assessment as aforesaid, shall be briefly stated in writing and filed with the clerk; if no objections are made as aforesaid, the said determination and assessment shall be confirmed by the common council. If the objections are made as aforesaid, any person interested may be heard before the common council, touching the said determination and assessment of the commissioners on the day specified in the aforesaid notice, or on such other day or days as the common council shall for that purpose appoint; and the said common council in consideration of the objections made,

shall have power in their discretion to confirm such determination and assessment of the commissioners, or to annul the same, and refer the same subject matter back to the same commissioners, or appoint five other commissioners for the purpose and in the manner herein provided; and the said commissioners shall make the second determination and assessment, and return the same to the common council in like manner, and give like notices, as they are herein required in relation to the first determination and assessment, and returns thereof, and the parties in interest shall have the like notices and rights, and the common council shall perform like duties, and have like powers in relation to the second determination and assessment of said commissioners as are herein given and required in relation to the first determination and assessment of said commissioners, and in case the common council shall confirm the second determination and assessment of said commissioners, the same shall be final and conclusive on all persons interested. But in case the common council shall annul the same, then all the proceedings in relation to laying out, altering, widening or straightening such street, alley, lane, highway, wharf or slip shall be null and void. But nothing herein contained shall authorize the said common council to discontinue or contract any street or highway or any part thereof, except for the purpose of widening and improving the rivers and making basins and slips within said city, without the consent in writing of all persons owning land adjoining such street or highway. That in all cases where the whole of any lot or parcel of land or other premises under lease or other contract shall be taken for any of the purposes aforesaid by virtue of this act, all the covenants, contracts and engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall upon confirmation of such report in the premises as shall be confirmed by the common council aforesaid, respectively cease and determine and be absolutely discharged; and in all cases where part only of any lot or parcel of land or other premises so under lease or other contract, shall be so taken for any of the purposes aforesaid, all contracts and engagements respecting the same, shall upon the confirmation of such report in the premises as shall be so confirmed as aforesaid, shall cease, determine and be absolutely discharged, as to the part thereof so taken, but shall remain valid and obligatory as to the residue thereof, and the rents, considerations and payments reserved; payable and to be paid for, or in respect to the same shall be so apportioned as that the part thereof, justly and equitably payable, or that ought to be paid for such said residue thereof, and no more shall be demanded or paid or recoverable for or in any respect of the same. No power is given by virtue of this act to alter, change, lay out in lots or lease that part of the town of Chicago originally laid out by the commissioners of the Illinois and Michigan canal on section nine, in township thirty seven north, range fourteen, east of the third principal meridian, as lies between the river and north and south water streets, or is comprised within said streets.

And how collected.

SECT. 39. All taxes and assessments imposed, voted and assessed by the said common council, shall be collected by the collector of the said city, in the same manner and with the same power and authority as taxes in and for any county of the State are collected, by virtue of a warrant or warrants under the corporate seal, signed by the Mayor or presiding officer, or by suit in the corporate name with interest and costs, and the assessment roll of the said common council shall in all cases be evidence on the part of the corporation, and taxes or assessments, imposed or assessed on, or in respect of any real estate, within the said city, shall be a lien, on filing the roll with the clerk of the city on such real estate, and in case such taxes or assessments are not paid, the common council may cause such real estate to be sold for the payment and collection of such taxes and assessments as aforesaid, togeth-

er with the expenses of the sale, in the manner and with the effect, and subject to the provisions specified in the forty-first section of the act, relative to the sales of real estates, for the non payment of assessments or taxes: all taxes and sums of money raised and collected by virtue of this section, shall be paid to the treasurer of the city. In all cases where there is no agreement to the contrary, the owner or landlord and not the occupant or tenant, shall be deemed in the person who ought to bear and pay every assessment made for the expenses of any public improvement in the said city, where any such assessment shall be made upon or paid by any person, when by agreement or by law, the same ought to be borne or paid by any other person, it shall be lawful for one so paying, to sue for and recover of the person bound to pay the same, the amount so paid with interest, in action for the money so paid, laid out and expended for the benefit of such defendant; nothing herein contained shall impair, or in any way effect, any agreement between any landlord and tenant, or other persons respecting the payment of such assessments.

SECT. 40. The common council shall have power to cause any street, alley, lane or highway in said city, to be graded, levelled, paved, repaired, macadamized or gravelled, to cause cross and side walks, drains, sewers and aqueducts to be constructed and made in the said city, and to cause any side walks, or drains, sewers and aqueducts to be relaid, amended and repaired, and to cause the expenses of all improvements (except side walks,) made and directed under this section, to be assessed upon the real estate in any ward in said city, deemed benefitted by such improvements, in proportion to the benefits resulting thereto, as nearly as may be, which assessment shall not exceed two per centum per annum on the property assessed. The common council shall determine the amount to be assessed for all improvements to be made or directed under this section, except side walks, and shall appoint by a majority of all the aldermen authorized by law to be elected five reputable freeholders of said city, by ballot, to make such assessment. The assessors shall be sworn before the mayor or any justice of the peace in said city, faithfully and impartially to execute their duty as such assessors according to the best of their ability, and before entering upon the duties assigned them by this section, the assessors shall give notice to all persons interested, of the time and place of meeting of said assessors, at least four days before the time of such meeting, by publishing such notice in the corporation newspaper printed in said city, and they may if necessary, adjourn from day to day. The said assessors shall assess the amount directed by the common council to be assessed, for any such improvement on the real estate deemed by them to be benefitted thereby, in proportion to the benefit resulting thereto as nearly as may be, and the said assessors shall briefly describe in the assessment roll to be made by them, the real estate on, or respect to which any assessment is made under this section; when the assessment is completed, they shall give like notice, and also publish the same in the corporation newspaper, and have the same power to make corrections as in case of the assessment of taxes. They shall deliver a corrected copy of the assessment roll signed by all the assessors, to the clerk of the city, within sixty days after their appointment as aforesaid, and any person interested may appeal to the common council for the correction of the assessment: such appeal shall be in writing, and shall be delivered to the clerk or presiding officer of the common council, within ten days after the corrected copy of the assessment roll is filed with the clerk. In case of appeal, the common council shall appoint a time within ten days thereafter, for the hearing of those who are interested, and shall cause a notice to be published in the corporation newspaper, designating the time and place and object of hearing, and they may adjourn said hearing from time to time, as may be necessary, and the common council shall in case of appeal as aforesaid, have power in their discretion to confirm their assessment, or to annul the same and direct a new

Council's power to
grade streets and
alleys.

assessment to be made in the manner herein before directed by the same assessors or by five other assessors to be appointed as aforesaid, by the common council and sworn as aforesaid, which shall be final and conclusive on all parties interested in case the common council shall confirm the same. But in case the common council shall set aside the last aforesaid assessment all the proceedings in relation to the grading, levelling, paving, repairing, macadamizing or gravelling such street, alley, lane or highway in said city, shall be null and void. If the first assessment to be made and confirmed under this or the preceding sections proves insufficient, the common council may cause another to be made in the same manner, or if too large an amount shall at any time be raised, the excess shall be refunded rateably to those by whom it was paid. The said assessors may, if in their opinion any owner or owners of land situated on such street, alley, lane or highway, as shall be gravelled or levelled, will sustain damages over and above the benefit which may accrue to the owner or owners of such land by such improvement, assess such an amount as they may deem a reasonable recompence to such owner or owners thereof, upon the real estate in said city, deemed by them to be benefitted by such improvement, in proportion to the benefit resulting thereto, as nearly as may be, and the said assessors shall add such amount to the assessment roll, which they are herein required to make and certify the said amount to the common council, at the time of filing said roll with the clerk as aforesaid. If any vacancy shall happen in the office of assessor for any of the causes mentioned in the thirty-eighth section of this act, the same shall be filled by the common council in the manner therein provided.

SECT. 41. All assessments for improvements authorized by this act, shall be made upon the real estate and be paid to or collected, by the collector, except as herein otherwise directed. A corrected copy of the assessment roll, shall in all cases be filed in the office of the clerk of the city, and the assessment shall be a lien upon the premises assessed for one year only after the final corrected copy of the assessment roll shall have been filed as aforesaid. In case of non payment, the premises may be sold at any time within the year from the time of the filing of the said assessment roll. Before any such sale, an order shall be made by the common council, which shall be entered at large in the records of the city kept by the clerk, directing the attorney of the city to sell, and particularly describing the premises to be sold and the assessment for which the sale is to be made, a copy of which order shall be delivered to the said attorney. The said attorney shall then advertise the premises to be sold in the manner and for the time required in the case of sales of real estate for taxes, and the sale shall be conducted in the same manner. The proceedings may be stopped at any time before the sale by any person paying to said attorney the amount of the assessment, interest and the expenses of advertising. All sales in such cases shall be made for the smallest portion of ground for which any person will pay the assessment, interest and expenses of advertising: certificates of the sale shall be made and subscribed by the said attorney, one of which shall be filed by him within ten days after the day of sale in the office of the clerk of the city, and one in the office of the recorder of Cook county, and shall contain a description of the property, and the price for which it was sold, and state the amount of the assessment, interest, and expenses for which the sale was made, and the time at which the right to redeem will expire. If the proceedings are stopped before a sale is made, the attorney may include one dollar and no more in the expenses for his fees. If the premises are sold, the attorney may include two dollars in the amount of expenses for his fees, and no more. The right of redemption in all cases of such sales in the same manner and to the same extent, shall exist to the owner and his creditors as is allowed by law in the cases of sales of real estate for taxes. The money in case of redemption may be paid to the

purchaser or for him to the clerk of the city. In case of no redemption, or of redemption by the creditor or creditors, the common council shall make to the purchaser or his legal representors, or the person entitled thereto, a deed with a special warranty, signed by the mayor of said city, and countersigned by the clerk of said city, containing a description of the said premises sold for taxes or assessments as aforesaid.

SECT. 42. Any person interested, may appeal from any order of the common council for laying out, opening, making, altering, or widening any street, alley, lane, highway, to the circuit court of the county of Cook, or to the municipal courts of said city, by notice in writing, delivered to the mayor or clerk of the city, at any time before the expiration of twenty days after the passage of the ordinance therefrom by the common council. The only ground of appeal shall be the want of conformity in the proceedings to this act. The propriety or utility of the streets, alleys, lanes, highways or other improvements, or the correctness of the assessments of damage if made in conformity to this act, shall not constitute a ground of appeal. In case of appeal, the common council shall make a return within twenty days after notice thereof; and the said circuit or municipal court shall, at the next term after the return which shall be filed in the office of the clerk of said court, proceed to hear and determine the appeal and shall confirm or annul the proceedings of the common council.

SECT. 43. The land required to be taken for the making, opening or widening of any street, alley, lane highway, in said city, shall not be taken and appropriated by the common council, until the damages assessed and awarded therefor to any owner therefor under this act, shall be paid or tendered to such owner or his agent or legal representative, or in case the said owner, or his agent or legal representative cannot be found in said city, shall be deposited, to his or their credit, or for his or their use, in some safe place of deposit, other than the hands of the treasurer of said city; and then, and in such cases, and not before, such lands may be taken and appropriated by the common council, for the purposes required in making such improvements, and such streets alleys, lanes, highways, wharves or slips, may be made and opened.

SECT. 44. Where any known owner residing in said city or elsewhere, shall be an infant, and proceeding shall be had under sections thirty eight and forty of this act, the circuit court of the county of Cook, the Judge thereof, the municipal court of said city, or any such judge of the supreme court or judge of probate for said county, may upon the application of the common council or such infant, or his next friend appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust, and all notices and summons required by either of said sections shall be served on such guardian.

SECT. 45. All owners or occupants, in front of whose premises the common council shall direct side walks to be constructed or repaired, such side walks at their own cost and charges, but if not done in the manner, and of the materials and within the time prescribed by the common council, the said council may cause them to be constructed, and assess the expense thereof upon such lots respectively, and collect the same in the manner directed by the thirty eighth and fortieth and forty first sections of this act, and such assessments shall be a lien upon such lot in like manner as assessments under the said thirty eighth, fortieth, and forty first sections.

SECT. 46. The common council shall have power to order the grading, paving, gravelling, raising, closing, fencing, amending, cleansing and protecting any public square or area now, or hereafter laid out in said city, and to improve the same by the construction of walks and the rearing and protecting of ornamental trees therein, and to cause such part of the expenses thereof as they shall deem just, to be assessed and collected in the manner prescribed in the thirty eighth, fortieth, and forty first

persons or this act, for assessing and collecting the expenses of improvements mentioned in those sections, and to cause the sale of any real estate on which such expenses are assessed, to be sold as provided in said thirty-eighth, fortieth, and forty first sections. But nothing herein shall empower the said common council to divest or obstruct the interest of any individual in, or to any such square or area.

Power to regulate market.

SECT. 47. The common council shall have power to establish and regulate a market or markets in said city, and to restrain and regulate the sale of fresh meats and vegetables in said city, to restrain and punish the forestalling of poultry, fruits and eggs, and to license under the hand and seal of the mayor annually, such and so many butchers as they shall deem necessary and proper, and to revoke such license for any infraction of the bye-laws and ordinances of the common council, or other misconduct of such butchers in the course of their trade.

Power to prescribe limits of the city.

SECT. 48. The common council for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits in said city, within which wooden buildings shall not be erected or placed without the permission of the said common council, and to direct that all or any buildings within the limits prescribed, shall be made or constructed of stone or brick with partition walls, fire proof roofs, and brick or stone cornices and eave troughs, under such penalties as may be prescribed by the common council, not exceeding one hundred dollars for any one offence, and the further sum of twenty-five dollars for each and every week any building so prohibited shall be continued.

Power to regulate construction of chimneys.

SECT. 49. The common council shall have power to regulate the construction of chimneys so as to admit chimney sweeps, and to compel the sweeping and cleaning of chimneys, and to prevent chimney sweeps from sweeping unless licensed as they shall direct, to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, and apparatus used in any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous, to prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition, to require the inhabitants of said city to provide so many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in times of fire, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fire, and to prevent the use of fire works and fire arms in said city, or any part thereof, to compel the owners and occupants of houses and other buildings, to have scuttles in the roofs and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire wardens or other officers of said city, to keep away from the vicinity of any fire, all idle and suspicious persons and to compel all officers of said city, and other persons to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat; and generally to establish such regulations for the prevention and extinguishment of fires, as the common council may deem expedient.

SECT. 50. The common council shall procure fire engines and other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure engine houses and other places for keeping and preserving the same, and shall have power to organize fire, hook, hose, bag, ladder and axe companies; to appoint during their pleasure a competent number of able and reputable inhabitants of said city, firemen, to take the care and management of the engines, and other apparatus and implements used and provided for the extinguishment of fires, to prescribe the duties of firemen, and to make rules and regulations for their government, and to impose such reasonable fines and forfeitures upon such firemen for a violation of the same, as the council

may deem proper, and for incapacity, neglect of duty, or misconduct, to remove them and appoint others in their places. And the qualified electors of said city may, at the annual election to be held for said city, choose a chief engineer and two assistant engineers of the fire department, whose term of office shall be for one year, who with the other firemen, shall take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires, and whose duties and powers shall be defined by the common council, *Provided, however,* That if the said qualified electors, shall for any reason fail to elect a chief engineer and two assistant engineers or either of them as aforesaid, or if any of the offices shall become vacant in any way, then such vacancy may be filled by the common council in the same manner as other officers are appointed by them.

SECT. 51. The members of the common council shall be fire wardens, No of wardens. and shall have power to appoint such other fire wardens as they may deem necessary.

SECT. 52. The members of the common council, hook and ladder men, axe-men, and firemen appointed by virtue of this act, shall, during their term of service as such, be exempt from serving on juries in all courts, and in the militia except in the case of war, insurrection or invasion. Officers' exemption. The name of each person appointed firemen, hook, and ladder men, or axemen, shall be registered with the clerk of the city, and the evidence to entitle him to the exemption as provided in this section, shall be the certificate of the clerk, made within the year in which the exemption is claimed.

SECT. 53. The present firemen of the town of Chicago shall be firemen of the city of Chicago, subject to be removed by the common council in like manner as other firemen of said city. Present firemen.

SECT. 54. Every fireman, hook and ladderman, or axeman who shall have faithfully served as such in said city or town of Chicago, or both, for the term of ten years, shall be thereafter exempt from serving on juries in all courts, or in the militia, except in case of war, invasion or insurrection; and the evidence to entitle such person to the exemption as provided in this section, shall be a certificate under the corporate seal signed by the mayor and clerk. Further exemptions.

SECT. 55. The common council may authorize the mayor or any other proper officer of the corporation to grant license to tavern-keepers, grocers and keepers of ordinaries or victualling houses, to sell wines and other liquors whether ardent, vinous or fermented, in the manner prescribed by the laws of this State; and also to license billiard tables, hackmen, draymen, carters, porters, omnibus drivers and auctioneers, and to adopt rules and regulations for their government, and to impose duties upon the sale of goods at auction, and may moreover direct the manner of issuing, countersigning and registering of such licences, and may determine upon the fees to be paid for such licenses; not less than five nor more than fifty dollars to be paid to the city treasurer, and the sum to be paid to the mayor or other officer for granting such license shall not exceed one dollar: bond shall be taken on the granting of such license, for the due observance of the regulations of the common council in respect thereto. They shall be filed, and may be prosecuted, and the money collected shall be applied in such manner as the common council shall direct. Power to give license to tavern keepers, &c.

SECT. 56. The common council shall have power to pass such ordinances as they shall deem proper for regulating or restraining tavern keepers, grocers, keepers of ordinaries or victualling houses, hackmen, draymen, carters, porters, omnibus drivers and auctioneers. Power to pass ordinances.

SECT. 57. The said common council shall be and are hereby authorized to appoint annually, three commissioners as a board of health for said city, and the mayor of said city or presiding officer of the common council shall be president of said board; and the clerk of said city shall be Power to appoint board of health.

clerk of said board, and shall keep minutes of the proceedings thereof. The said common council shall at their pleasure appoint a health officer annually, and as often as the office may become vacant; and may remove him at pleasure; whose duty it shall be to visit every sick person who may be reported to the board of health as hereinafter provided, and to report with all convenient speed his opinion of the sickness of such person to the clerk of the said board of health; and it shall be the duty of the said officer to visit and inspect at the request of the president of said board, all boats and vessels running to or being at the wharves, landing places or shores in said city, which are suspected of having on board any pestilential or infectious disease, and all stores or buildings which are suspected to contain unsound provisions or damaged hides or other articles, and to make report of the state of the same with all convenient speed to the clerk of the board of health.

Power of board of health. SECT. 58. In case any boat or vessel shall be at [or] near any of the wharves, shores or landing places in said city and the said board of health shall believe that such boat or vessel is dangerous to the inhabitants of said city in consequence of their bringing and spreading any pestilential or infectious disease among said inhabitants, or have just cause to suspect or believe that said boat or vessel is suffered to remain at or near the said wharves, shores or landing places, it will be the cause of spreading among the said inhabitants any pestilential or infectious disease, that it shall and may be lawful for the said board by an order in writing signed by the president for the time being to order such boat or vessel to any distance from said wharves, shores or landing places, not exceeding three miles beyond the bounds of said city within six hours after the delivery of such order to the owner or consignee of said boat or vessels, and if the master, owner, or consignee to whom such order shall be delivered, shall neglect or refuse to comply therewith, the said president may enforce such removal, and such master, owner or consignee shall be considered guilty of a misdemeanor and on conviction shall be fined a sum not exceeding two hundred and fifty dollars, and imprisoned not exceeding three months, in the jail of the county of Cook, by any court having cognizance thereof; the said fine when paid to be applied by the said board to the support of the treasury of the city of Chicago.

Duty of physicians. SECT. 59. Every person practising physic in the said city who shall have a patient laboring under any malignant or yellow fever or other infectious or pestilential disease, shall forthwith make report thereof in writing to the clerk of said board of health, and for neglecting so to do shall be considered guilty of a misdemeanor and liable to a fine of fifty dollars to be sued for and recovered in an action of debt in any court having cognizance thereof, with cost, for the use of the treasury of said city.

Power of board of health. SECT. 60. All persons in said city not being residents thereof, who shall be infected with any infectious or pestilential disease and all things within said city which in the opinion of said board shall be infected by or tainted with pestilential matter and ought to be removed so as not to endanger the health of the city, shall by order of the said board of health be removed to some proper place not exceeding three miles beyond the bounds of said city, to be provided by the said board at the expense of the said city, and the said board may order any furniture or wearing apparel to be destroyed whenever they may judge it to be necessary for the health of the city; and the said common council shall have power to erect one or more hospitals within the said city, and to control and regulate the same.

What estate vested in city. SECT. 61. All the estate real and personal, vested in or belonging to or held in trust by the trustees of the town of Chicago, at the time this act shall take effect as a law, shall be and is hereby declared to be vested in the city of Chicago, and the said common council shall be bound and holden in the same manner, to all persons whomsoever, for all causes

whatsoever as the trustees of the town of Chicago were bound and holden under and by virtue of any law of this State.

SECT. 62. The said common council are hereby authorized and empowered to borrow upon the faith and pledge of the city of Chicago, such necessary sum or sums of money, for any term of time, and at such rate of interest, and payable at such place as they may deem expedient, not exceeding one hundred thousand dollars for any one year, and to issue bonds or scrip therefor under the seal of the said corporation, signed by the mayor and countersigned by the clerk, such sum or sums so borrowed, to be expended and applied in the liquidation of the debts of the said city of Chicago, and in the permanent and useful improvements of the said city, and to pledge the revenues accruing to the said city for the re-payment of the said sum or sums so borrowed with the interest upon the same.

SECT. 63. The said common council shall in all improvements strictly local in their character, such as improving streets, making drains and sewers, expend annually in each ward such proportion of the public monies as shall correspond with the amount of the assessed value of the property in each ward, as exhibited in the last assessment roll.

SECT. 64. The mayor of the said city for the time being, shall have power to administer any oath required to be taken by any person under this act.

SECT. 65. Any person who shall hereafter be elected to the office of mayor or alderman in said city, may tender his resignation of such office to the common council of said city.

SECT. 66. The common council of the said city shall determine the rules of its own proceedings, and be the judge of the elections and qualifications of its own members, and have power to compel the attendance of absent members.

SECT. 67. The said common council are hereby authorized to levy an annual tax upon the owner of every dog kept or owned in said city by such person, not exceeding five dollars for every dog so owned or kept by such person.

SECT. 68. That the mayor of the said city of Chicago, shall have the same jurisdiction within the limits of the said city, and shall be entitled to the same fees and emoluments which are given by the laws of this State to the justices of the peace, upon his conforming to the requirements, restrictions and directions of the laws of this state regulating the office of justice of the peace.

SECT. 69. That there shall be established in said city of Chicago, a municipal court which shall have jurisdiction concurrent with the circuit courts of this State in all matters civil and criminal, arising within the limits of said city, and in all cases where either plaintiff and defendant or defendants, shall reside at the time of commencing suit, within said city, which court shall be held within the limits of said city in a building provided by the corporation.

SECT. 70. Said courts shall be held by one judge, who shall be appointed by joint ballot of both branches of the general assembly and commissioned by the governor, and shall hold his office during good behaviour, and shall during his continuance in office, reside within the limits of said city, and shall receive a salary of one thousand dollars annually, payable quarter yearly by the common council of said city, which salary shall not be diminished but may be increased by said common council. *Provided, always,* That the said judge may and shall be removed from office for the same causes and in the same manner that the constitution of this State provides for the removal of other judges.

SECT. 71. That the docket fees now authorized and required by law to be paid to the clerk of the circuit court, shall be paid in all suits arising in the said municipal court to the clerk thereof, and shall by him be paid to the city treasurer, out of which fees together with the other rev-

enues of said city the salary of the judge and the other expenses of said court shall be paid.

Grand and petit
juries.

SECT. 72. That the grand and petit jurors of said municipal court shall be selected from the qualified inhabitants of said city by the common council thereof in the same manner as other jurors are selected by the county commissioners courts of this State, which jurors shall possess the same qualifications and shall be liable to the same punishments and penalties, and have the benefits of the same excuses and exemptions as are imposed upon and allowed by the laws of this State to other jurors, and they shall take the same oaths, possess the same powers and be governed in all their proceedings as is prescribed in the case of other jurors by the laws of this State.

How summoned.

SECT. 73. That the said jurors shall be summoned by the high constable of said town, in the same manner as other jurors are summoned by the sheriffs of this State, and the said jurors shall be impannelled by the officers of the said municipal court, in the same manner as jurors of circuit courts; and the judge of said municipal court shall have all the powers concerning jurors that are given by the laws of this State to judges of the circuit courts.

Compensation.

SECT. 74. The jurors of said municipal court shall receive, out of the city treasury, the same compensation for their services as is allowed to jurors of the circuit courts, to be paid upon the certificate of the clerk of said municipal court, which certificate said treasurer shall file as his voucher.

Terms of court.

SECT. 75. The judge of said municipal court shall hold six terms of said court in each year, for the transaction of civil and criminal business, and shall continue each term until the business before it shall be disposed of. The said terms shall respectively commence on the first Monday of January, March, May, July, September and November, *Provided, always*, That the common council of said city shall have power to increase the number of the terms of said court or to alter the same by giving four weeks notice thereof, in the corporation newspaper.

Clerk, how ap-
pointed.

SECT. 76. The clerk of said court shall be appointed by the Judge thereof, and shall be qualified and shall enter into bonds as Clerks of the circuit court are now required to do, and shall receive the same emoluments as are allowed to the clerks of the circuit courts for similar services, which fees shall be collected in the same manner.

Bond.

Fees.

SECT. 77. There shall be chosen by the qualified electors of said city, at the same time and in the same manner as is provided in this act, for the election of mayor, one high constable, whose term of service shall be for one year, and until his successor shall be chosen and qualified, and who shall have and exercise all the powers and functions as an officer of said municipal court within the limits of said city, as sheriffs are allowed to exercise within the limits of their respective counties, and shall be entitled to the same fees for his services.

High constable.

Municipal court
to be a court of
record.

SECT. 78. Said municipal court shall be a court of record and have a seal to be furnished by the common council, the proceses of said court shall be tested by the Judge, and issued in the same manner as in the circuit courts, and shall be directed to the high constable of said city, to be executed within the limits of the same, but where the defendant or defendants or either of them may reside without the limits of said city, and in Cook county, the process shall be directed to the sheriff of said county, who shall execute the same and make return thereof to the clerk of said court.

Constable to give
bond.

SECT. 79. The said high constable shall before he enters upon the duties of his office, execute a bond with sufficient sureties payable to the city of Chicago, to be approved by the common council in the penal sum of ten thousand dollars, conditioned as the sheriffs bonds in this State are required by law to be conditioned and may be prosecuted in the same manner in behalf of any person aggrieved, and the said high constable

shall be required to take the same oath as the sheriffs of this State are required to take as far as is consistent with the provisions of this act, before he enters upon the duties of his office, and the said high constable shall have power to appoint from among the city constables, one or more deputies who shall be qualified in the same manner, shall have the same powers under the said high constable, so far as is consistent with the provisions of this act, as deputy sheriffs have under the high sheriffs.

SECT. 80. All judgments rendered in said municipal court shall have the same lien on real and personal estate, and shall be enforced and collected in the same manner as judgments rendered in the circuit courts of this State, and all appeals from any judgment rendered by the mayor of said city, or any justice of the peace within the limits of said city, shall be taken to the next circuit or municipal court, whose term shall first happen. Judgments in said court.

SECT. 81. The said common council shall have power from time to time to establish, alter, and regulate a tariff of fees to be allowed to the party or parties prosecuting or defending any suit or action in the said municipal court, to be taxed against the party failing in said suit, and to be recovered and collected in the same manner as fees are recovered and collected in the circuit courts of this State. Tariff fees.

SECT. 82. All rules and proceedings of the said municipal court, not herein otherwise provided for, shall conform as near as may be to the rules and proceedings of the circuit courts of this State, and appeals from the municipal court to the Supreme Court, shall be taken and conducted in the same manner as is provided by the laws of this State, for the taking of appeals or writs of errors from the circuit court. Rules.

Of Common and other Schools.

SECT. 1. [83.] That the common council of the city of Chicago shall, by virtue of their offices, be commissioners of common schools in and for the said city, and shall have and possess all the rights, powers and authority necessary for the proper management of said schools. To be commissioners of common schools.

SECT. 2. [84.] The said common council shall have power to lay off and divide the said city into school districts, and from time to time alter the same and create new ones as circumstances may require. May divide city into school districts.

SECT. 3. [85.] The common council shall annually appoint a number of inspectors of common schools in said city, not exceeding twelve, and not less than five; and in case of a vacancy in the office, the common council shall from time to time appoint others, which inspectors, or some of them, shall visit all the public schools in said city at least once a month, enquire into the progress of the scholars and the government of the schools, examine all persons offering themselves as candidates for teachers, and when found well qualified, give them certificates thereof gratuitously, and remove them for any good cause; and it shall be the duty of the said inspectors to report to the common council, from time to time, any suggestions and improvements that they may deem necessary or proper for the prosperity of said schools. May appoint inspectors of schools.

SECT. 3. [86.] That the legal voters in each school district shall annually elect three persons to be trustees to common schools therein, whose duty it shall be to employ qualified and suitable teachers, to pay the wages of such teachers when qualified, out of the moneys which shall come into their hands from the commissioner of school lands, so far as moneys shall be sufficient for that purpose, and to collect the residue of such wages from all persons liable therefor. They shall call special meetings of the inhabitants of the district liable to pay taxes whenever they shall deem it necessary and proper, shall give notice of the time and place for special district meetings at least five days before said meetings shall be held, by leaving a written or printed notice thereof, at the place of abode of each of said inhabitants, make out a tax list of every district tax which the inhabitants of said district may, by a vote of a majority present, direct at any meeting called as aforesaid. Trustees to be elected and duty.

for that purpose, which list shall contain the names of all taxable inhabitants residing in the district at the time of making out the list, and the amount of tax payable by each inhabitant, set opposite to his name, which tax may be levied upon the real or personal estate of said inhabitants; they shall annex to such tax list, a warrant directed to one of the city constables residing in the ward in which said district may be, for the collection of the sums in said list mentioned, and said constable shall receive five cents on each dollar thereof, for his fees. The said trustees shall have power to purchase or lease a site for the district school house, as designated by a meeting of the district, and to build, hire or purchase, keep in repair and furnish said school house with necessary fuel or appendages, out of the funds collected and paid to them for such purposes.

To make report.

SECT. 5. [87.] The trustees of each district shall at the end of every quarter make report to the school inspectors in writing, setting forth the number of schools within the district, the time that each has been taught during the previous quarter, and by whom, the number of scholars at each school, and the time of their attendance during the quarter, to be ascertained from an exact list or roll of the scholars' names to be kept by the teacher for that purpose, which list shall be sworn to or affirmed by said teacher.

Commissioners of school lands to make report.

SECT. 6. [88.] That it shall be the duty of the commissioner of school lands in Cook county to make semi-annually to the common council of said city a full and correct report, in such manner as they shall direct, of the state of the school fund arising from the sale or lease of school lands in township thirty nine north, range fourteen east, in Cook county, with the interest accruing thereon.

School money, how apportioned.

SECT. 7. [89.] The school inspectors shall, quarterly, apportion said school moneys among the several districts in said city according to the number of scholars in each school therein between the ages of five and twenty one, and also according to the time that each scholar has actually attended such school during the previous quarter, to be ascertained by the reports of said trustees and teachers.

Duty of inspectors.

SECT. 8. [90.] Whenever the said apportionment shall have been made, the school inspectors shall make out a schedule thereof, setting forth the amount due to each district, the person or persons entitled to receive the same, and shall deliver the said schedule together with the report of the trustees and the lists or rolls of the teachers to the common council, and thereupon the said common council shall issue a warrant directed to the commissioner of school lands, to pay over such part of the interest of school moneys of said township as shall be therein expressed, *Provided* that nothing herein contained shall authorize the expenditure of the principal of any part of the said school fund.

May have a high school.

SECT. 9. [91.] The freeholders and inhabitants of any school district in the said city, by a vote of two-thirds of the persons present and entitled to vote, at a meeting of such district, convened after notice of the object of such meeting shall have been published for one week in the corporation newspaper of the said city, and after said notice shall have been served on every such freeholder or inhabitant by reading the same to him, or in case of his absence by leaving the same at his place of residence, at least five days previous to such meeting, determine either separately or in conjunction with any other school district or districts in the said city, to have a high school created for such district or districts, or shall so agree to unite for that purpose, and may vote a sum not exceeding five thousand dollars, to be raised for erecting a building for such high school. And on evidence of such vote and of such notice having been published and served as above provided, being presented to the common council, they may in their discretion authorize the erecting of a high school in such district, or may authorize the several districts so agreeing, to be united into one district, which shall thereafter form

one school district, and all the property right and interest, of the several districts so united, shall belong to, and be vested in the trustees of said united districts, and the trustees thereof shall have all the powers of trustees of school districts, shall be elected in the same manner, and shall be subject to all the duties and obligations of trustees of common school districts.

SECT. 10. [92.] The common council shall annually publish on the second Tuesday of February, in the corporation newspaper of the city, the number of pupils instructed there in the year preceding, the several branches of education pursued by them, and the receipts and expenditures of each school, specifying the sources of such receipts, and the object of such expenditures. That the act entitled an act to incorporate the inhabitants of such towns as may wish to become incorporated approved on the 12th day of February 1831, and so much of an act entitled an act for the incorporation of fire companies, approved the 12th day of February 1835, and so much of an act entitled an act to change the corporate powers of the town of Chicago, and so much of an act entitled an act to amend an act entitled an act to change the corporate powers of the town of Chicago, approved January 15, 1836, and all other acts and parts of acts as are inconsistent with, and repugnant to the provisions of this act, in so far as relates to the said city of Chicago, be and the same are hereby repealed.

APPROVED March 4, 1837.

No. of pupils to be published.

Acts repealed.
In force March 4 1837.

AN ACT supplemental to an act to incorporate the city of Chicago. Act repealed.

SECT. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the said [act] as permits the licensing of billiard tables in the said city be repealed, that all persons residing in the said county of Cook, may at their option have recourse to the municipal court of said city, and the said municipal court shall have concurrent jurisdiction with the circuit court in all matters arising within said county, that only so much of an act entitled an act to incorporate the inhabitants of such towns as may wish to be incorporated, approved on the 12th day of February 1831, shall be repealed as is inconsistent with the provisions of the act incorporating the said city of Chicago, and only in so far as the same relates to the said city of Chicago.

APPROVED 4th March, 1837.

Persons may have recourse to the municipal courts.



RARE
BK RM
KFX
1721
A6
1827





